

MARKING THE 125th ANNIVERSARY OF THE 1864 GENEVA CONVENTION

On 22 August, the Swiss Confederation, the depositary State for the Geneva Conventions, celebrated the 125th anniversary of the *Geneva Convention of 22 August 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field*. The focus of the celebrations, which were organized by the Swiss Federal Department of Foreign Affairs in co-operation with the International Committee of the Red Cross and the Swiss Red Cross, was a solemn and dignified ceremony in Bern attended by representatives of the States party to the Geneva Conventions, Swiss federal and cantonal authorities and the ICRC, the League and National Societies.

In their addresses, Mr. Jean-Pascal Delamuraz, President of the Swiss Confederation, Mr. Cornelio Sommaruga, President of the ICRC, and Mr. Karl Kennel, President of the Swiss Red Cross, all stressed the importance in today's world of international humanitarian law.

Some key passages of their speeches are given below.

- ***Mr. Jean-Pascal Delamuraz, President of the Swiss Confederation***

After welcoming the representatives of the States and the Movement, Mr. Delamuraz spoke of the profound significance of the adoption of the original Geneva Convention and paid tribute to the "pioneers" who had brought it about:

In becoming parties to the Conventions of international humanitarian law, the States guarantee that the law will be implemented and respected. The idea which gave rise to the Convention which we are commemorating today and the initiatives taken to make it a reality did not, however, come from the States; the idea took shape in the minds of a few individuals who were as different from each other as they were enterprising.

The leading members of the group were Henry Dunant, General Guillaume-Henri Dufour and Gustave Moynier. The first was Dunant, the great humanitarian and idealist who had been shocked into action

by the indescribable suffering he had witnessed at the battle of Solferino. Then there were Dufour, the great soldier and statesman, who has become for our country a model of generosity, moderation and humble patriotism, and Gustave Moynier, the lawyer and pragmatist, who was for many years President of the International Committee of the Red Cross.

As a result of the unflinching efforts of these men, the Swiss Federal Council convened the diplomatic conference which adopted the original Geneva Convention.

... The Swiss Federal Council, which is the depositary for the Geneva Conventions and their Additional Protocols, wishes to mark this 125th anniversary of the 1864 Convention by calling on States and all parties to armed conflicts to respect international humanitarian law unequivocally and with all the means at their disposal. In particular, the Federal Council appeals to those States which have not yet done so to ratify the two 1977 Protocols additional to the Geneva Conventions (See below).

This landmark event in 1864, whose far-reaching consequences not even the most committed participant could have foreseen, resulted from the initiative of a few individuals who were driven by noble fervour to reach their indisputably just objective.

The present law of Geneva is the work of all the States and they are all bound by it. Speaking for Switzerland, the President of the Swiss Confederation said:

Our active commitment to the cause of international humanitarian law and the Red Cross idea has become part and parcel of national policy. I therefore call on my compatriots to work today more than ever before, to preserve our heritage.

... As I said earlier, Switzerland is proud of its traditional role in the development and promotion of international humanitarian law. At the same time, this tradition obliges us to be unswerving in our commitment to the Red Cross idea. Our solidarity with the rest of the world—one of the pillars of our foreign policy—must go further. We must ensure that our country assumes all its responsibilities as a fully-fledged member of the international community by doing all it can to promote the rights of the individual and combat the under-development and hunger which affect vast regions of our planet.

Only joint action by all the members of the community of nations can realize our legitimate hope of seeing wisdom and peace prevail

throughout the world. Here the Geneva Conventions make a solid contribution.

● **Mr. Cornelio Sommaruga, President of the ICRC**

Mr. Sommaruga outlined the development of international humanitarian law from Henry Dunant's celebrated idea to the adoption of the 1977 Additional Protocols:

What spectacular progress has been achieved between the modest text of 1864 and the 600 articles which make up today's law of Geneva!

This body of law, together with the "spirit of Geneva", has made Switzerland renowned throughout the world. And rightly so, for the Confederation has done much over the past 125 years to strengthen protection for the victims of war by promoting the adoption of law in their favour. At the same time—and this merits special mention—Switzerland provides considerable support for the humanitarian work of the International Committee of the Red Cross, whose activities are based primarily on the Geneva Conventions. In 1989, the Federal Council and the Federal Assembly have once again committed themselves financially and diplomatically to helping the victims of armed conflict. On behalf of the International Committee of the Red Cross, I should like to thank the Swiss people, the Confederation and the cantonal authorities for their generosity. In expressing our gratitude I speak also in the name of all the victims whom the ICRC's delegates have been able to assist.

After reviewing the ICRC's role in the development of humanitarian law and recalling the fruitful co-operation between diplomats and lawyers during this long process, Mr. Sommaruga continued:

Today, their content and field of application make the 1949 Conventions universal. Practically all the States of the world are bound by the Conventions (166 States at this time) and almost half of them have undertaken to implement the Additional Protocols. The adoption of the law of Geneva by the Third World States, although by no means easy, did come about without constraint and this has brought new legitimacy to the humanitarian idea. The Additional Protocols of 1977 are the first instruments of humanitarian law to have been formulated with the full participation of North and South, East and West. By providing modern ways of dealing with modern threats, the Protocols pursue the same objective as the 1864 Convention: to provide

protection and assistance for the victims of armed conflict. It is by working together that the States of the world have brought about this achievement and together they have confirmed the universal mandate of the ICRC in the area of international law.

Our joy and our gratitude for these achievements must not, however, divert our attention from the fact that the law of Geneva often remains little-known and is sometimes grossly violated. On this very day, tens of thousands of prisoners of war are still waiting in the camps; thousands of them, some after many long years of internment, are sick or wounded. They are, in fact, hostages, bargaining chips in international negotiations. Then there are the children who are dying because war has brought famine or denied them the medical care that could have saved them. Elsewhere, people who have lost everything to war search through the wreckage of their homes for signs of life from their loved ones. The suffering inflicted on man by man is immeasurable.

Yet laws exist which, if observed, would prevent all this. That is why I am today earnestly appealing to all the States in the world to take their obligations seriously, not to overlook the plight of individuals, and to attach greater importance to humanitarian considerations than is so often the case. I call on all States to hear the message of Henry Dunant and to fulfil in all circumstances the duties which our common humanity imposes on us. Never yet has a battle been lost because one side has obeyed the law of Geneva. But many States have lost much more than a battle when they trampled humanitarian principles underfoot.

Let us mobilize all people of good will. We must instil in our governments a conditioned humanitarian reflex. We must show society at large that even in wartime a surge of humanity is possible. When all mankind is convinced of this and able to put its trust in it, the rights of the defenceless will no longer be flouted. The ICRC is working towards that goal. We receive active support in our work from the 148 National Red Cross and Red Crescent Societies and their federation the League, united as we are by the fundamental principles of the Red Cross, in particular the principle of humanity which requires us to prevent and alleviate human suffering.

● ***Mr. Karl Kennel, President of the Swiss Red Cross***

In his address Mr. Kennel pointed out that during its 125 years of existence, the International Red Cross and Red Crescent Movement,

inspired by the principle of humanity embodied in the original Geneva Convention, had at all times and in all places endeavoured to bring assistance and protection to the suffering. He went on to mention the mandate of National Red Cross and Red Crescent Societies to promote knowledge of humanitarian law:

Like the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies, the 148 National Societies have the task of promoting knowledge of international humanitarian law and the fundamental principles of the Red Cross. But the laws and Conventions remain dead letters if no one takes action to bring them to life. And this is precisely the mission of National Societies: to bring to life, in their daily work, the principles and ideals of the Red Cross and the instruments of international humanitarian law. Perhaps more than any other National Society, the Swiss Red Cross feels that it has a special mission here. There are a number of reasons for this: the red cross on a white background is an inversion of the Swiss national colours; Switzerland, Henry Dunant's homeland, is the birthplace of the Movement; and Geneva is the seat of both ICRC and League headquarters. All these factors give the Swiss Red Cross a sense of particular responsibility within the Movement.

Greatly concerned by the “apocalyptic situation in which we find ourselves as this century draws to a close”, Mr. Kennel emphasized the responsibility incumbent on the Movement as a whole “to devote all its energy to ensuring that good triumphs over evil:

If the International Red Cross and Red Crescent Movement succeeds, come what may, in holding high the banner of its seven principles, and if the rest of the world recognizes that its interests are served by the principles of solidarity and justice enshrined in these treaties, if it is prepared truly to live by them, mankind will have a chance. Then, I am convinced, the time will come when every man, woman and child on earth can live free from danger and fear (...).

Today we are commemorating a glorious and decisive step forward for humanity and I appeal from the bottom of my heart to my fellow countrymen, in particular young people, to accompany the Red Cross on its journey and give it their unreserved support. The only effective way to honour the memory of our Movement's founder is not to talk about him but to follow in his footsteps.

In conclusion, we should add that all those attending the ceremony were able to visit an exhibition of the original texts of the Geneva Conventions which are kept in the Federal Archives in Bern.

Appeal from the Swiss Federal Council on the 125th anniversary of the 1864 Geneva Convention

On this 125th anniversary of the adoption of the 1864 Geneva Convention, the Swiss Federal Council appeals to all States to respect all the provisions of international humanitarian law as developed since 1864.

On 22 August of that year a diplomatic conference convened in Geneva by the Federal Council adopted the original Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. The initiative for the Conference had come from Henry Dunant and what was to become the International Committee of the Red Cross. Under the chairmanship of General Dufour, the Conference laid the foundations of present-day humanitarian law, whose purpose is to ensure that basic humanitarian principles are observed in war.

On four subsequent occasions, the community of States has adapted the provisions of that initial instrument to modern warfare and in particular to the need to protect civilians and prisoners of war. The scope of international humanitarian law has also been widened. The Geneva Conventions of 1949 are today universally recognized and their two Additional Protocols of 1977 have already been ratified by half the States party to the Geneva Conventions.

The international situation today shows hopeful signs of a new resolve on the part of the States to co-operate in seeking a peaceful settlement of their differences. But people in many parts of the world continue to suffer the consequences of armed conflict. Today as in the past, therefore, it remains vitally important that all the provisions of international humanitarian law should be implemented and scrupulously respected by all.

The Swiss Confederation is party to the Geneva Conventions and to their Additional Protocols. The Swiss Federal Council is the depositary for these instruments. In keeping with the humanitarian orientation of Swiss foreign policy, the Federal Council wishes to mark this 125th anniversary of the 1864 Convention by calling on all States and all parties to armed conflicts to respect international humanitarian law unequivocally and with all the means at their disposal.

In particular, the Federal Council appeals to States which have not yet done so to ratify the two 1977 Protocols additional to the Geneva Conventions.